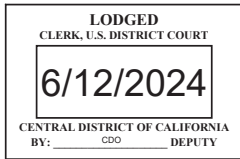
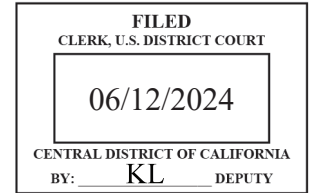


UNITED STATES DISTRICT COURT



for the

Central District of California



United States of America
v.

CATALIN-MARIUS GRAUR,
aka "Luigi Pasquale,"
aka "Simon Fedak,"

Defendant(s)

Case No. 2:24-mj-03517-DUTY

**CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

As described in the accompanying attachment, defendant violated the following statutes:

Code Section

18 U.S.C. §§ 1344, 1349, 1028A

Offense Description

Conspiracy to Commit Bank Fraud,
Aggravated Identity Theft

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

/s/ Rene Persaud

Complainant's signature

Rene Persaud, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: June 12, 2024

Alicia G. Rosenberg
Judge's signature

City and state: Los Angeles, California

Hon. Alicia G. Rosenberg, U.S. Magistrate Judge
Printed name and title

Complaint Attachment

Count One, 18 U.S.C. § 1349

Beginning in or before 2021, and continuing through at least June 12, 2024, in Los Angeles County, within the Central District of California, and elsewhere, defendant CATALIN-MARIUS GRAUR, aka “Luigi Pasquale,” aka “Simon Fedak” (“Defendant”), and others, conspired to commit bank fraud, in violation of Title 18, United States Code, Section 1344. The object of the conspiracy was carried out, and to be carried out, in substance, as follows: Defendant would secretly install skimming devices in ATMs to record the account information of bank customers, and would then counterfeit debit and credit cards bearing that information. Defendant and his co-conspirators would use the counterfeit cards to withdraw funds in the names of those victims of identity theft. Federally-insured financial institutions defrauded as a result of this conspiracy include Wells Fargo Bank, Citibank, Union Bank, and Bank of America.

Count Two, 18 U.S.C. § 1028A

Beginning in or before 2021, and continuing through at least June 12, 2024, in Los Angeles County, within the Central District of California, and elsewhere, defendant CATALIN-MARIUS GRAUR, aka “Luigi Pasquale,” aka “Simon Fedak,” knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person during and in relation to a felony violation of Title 18, United States Code, Section 1349, Conspiracy to Commit Bank Fraud, as charged in Count One, knowing that the means of identification belonged to another actual person.

AFFIDAVIT

I, Rene Persaud being duly sworn, declare and state as follows:

I. INTRODUCTION

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been so employed since September 2018. Prior to becoming a SA, I worked for the FBI's Special Surveillance Group for approximately four years. Prior to joining the FBI, I was a Deputy Sheriff for the Hillsborough County (Florida) Sheriff's Office for approximately three years.

2. I have participated in various aspects of criminal enterprise investigations, including but not limited to, conducting surveillance and arrests, issuing subpoenas, seizing and impounding drug evidence, social media analysis, and the analysis of telephone tolls and other data. Additionally, I have interviewed and/or debriefed confidential informants and other witnesses who have had knowledge regarding the investigations in which I have been involved. I have also authored, sworn out, and executed multiple search warrants for various entities, including but not limited to, internet service providers, social media companies, GPS tracking units, and physical residences/businesses.

3. I also have extensive experience investigating Romanian Organized Criminal Groups. I have conducted investigations in the Los Angeles area related to the ATM skimming activity and money laundering, and I have also traveled to Romania on multiple occasions to work with National Police forces in several cities in order to obtain information, coordinate investigations, and identify criminals

1 who travel from Europe to the United States to defraud the American
2 banking system.

3 II. **PURPOSE OF AFFIDAVIT: COMPLAINT**

4 4. This affidavit is made in support of a complaint against
5 CATALIN-MARIUS GRAUR for conspiracy to commit bank fraud, and
6 aggravated identity theft, in violation of Title 18, United States
7 Code, Sections 1344, 1349, and 1028A (the TARGET OFFENSES).

8 5. The information set forth in this affidavit is based upon
9 my participation in the investigation, encompassing my personal
10 knowledge, observations and experience, as well as information
11 obtained through my review of evidence, investigative reports, and
12 information provided by others, including other law enforcement
13 partners. As this affidavit is being submitted for the limited
14 purpose of securing the requested warrants, I have not included each
15 and every fact known to me concerning this investigation. I have set
16 forth only the facts that I believe are necessary to establish
17 probable cause for the requested warrants.

18 III. **STATEMENT OF PROBABLE CAUSE**

19 A. **Summary of Investigation**

20 6. Since December 2021, the Federal Bureau of Investigation
21 has been investigating a Romanian Organized Crime Group (OCG)
22 operating in the United States. The primary criminal scheme
23 orchestrated by this Romanian OCG is Access Device/Bank Fraud. This
24 Romanian OCG carries out the fraud by installing skimming devices in
25 ATM card readers and Point-of-Sale terminals, stealing customer
26 credit card numbers and their PIN numbers, then fraudulently
27 withdrawing cash from victim customer accounts. This is corroborated
28 by information provided by Romanian Law Enforcement, observations

1 made during physical surveillance, the analysis of banking records,
2 and the review of surveillance footage which captures individuals
3 installing and removing skimming devices as well as unlawfully
4 accessing and withdrawing cash from victim customer accounts in and
5 around Los Angeles, CA.

6 7. One of the individuals participating in this scheme is
7 CATALIN-MARIUS GRAUR. GRAUR has been involved in all aspects of ATM
8 and Point-of-Sale skimming to include, but not limited to, conducting
9 unauthorized cash withdrawals from ATMs and installing skimming
10 devices between at least December 2021 and May 2023.

11 **B. Regulatory Background of CalFresh and CalWORKs Programs**

12 8. The California Department of Social Services (DSS) is a
13 government agency that administers several benefit and assistance
14 programs for residents of the state of California. One of the
15 assistance programs administered by DSS is called CalFresh (formerly
16 known as food stamps), which helps low-income households purchase
17 food and household items to meet their nutritional needs. Another
18 assistance program administered by DSS is called CalWORKs, which
19 helps low-income families with children pay for housing, food, and
20 other necessary expenses.

21 9. Residents of California that meet the criteria established
22 by the CalFresh or CalWORKs programs can apply online for benefits at
23 www.getcalfresh.org and www.benefitscal.com. Beneficiaries apply for
24 benefits by submitting their income and number of dependents to
25 determine their benefit eligibility.

26 10. CalFresh and CalWORKs benefits are issued through
27 Electronic Benefit Transfer cards ("EBT cards"). EBT cards are
28

1 mailed to an address designated by the account holder and function
2 like traditional debit cards to conduct transactions. For example,
3 you can use an EBT card to make a purchase at a grocery or
4 convenience store by swiping the card at a point-of-sale terminal.

5 11. The EBT cards issued under CalFresh and CalWORKs are
6 assigned specific Bank Identification Numbers ("BIN"). A BIN refers
7 to the first five digits of the account number on a debit or credit
8 card and can be used to identify the issuer of the card, like DSS,
9 which administers the CalFresh and CalWORKs programs.

10 12. Benefits received through the program are typically
11 disbursed to EBT cardholders by DSS during the early days of each
12 month. Those benefits are deposited directly from DSS into the
13 account of the EBT cardholder.

14 13. The EBT cardholders can then conduct cash withdrawals at
15 automated teller machines ("ATMs") using a personal identification
16 number ("PIN") established by the card holder. The EBT cardholder
17 presents the card at an ATM, inserts the card into the ATM card
18 reader, and utilizes a PIN to withdraw the funds previously deposited
19 by DSS intended for beneficiaries of the CalFresh or CalWORKs
20 programs.

21 **C. Background on ATM Skimming and Access Device Fraud**

22 14. Based on my training and experience in investigating
23 fraudulent schemes of this nature, I know the following about Access
24 Device Fraud: ATM skimming devices are manually installed at walk-up
25 or drive-thru ATM terminals. The card readers are surreptitiously
26 inserted into the ATM card reader slots, and are often thin enough to
27 go unnoticed to a lay person using an ATM. In addition to the card
28 reader, another device is installed to obtain the PIN number. This

1 device is often a covert camera that captures customers entering
2 their PIN number.

3 15. An ATM skimming device is installed for a period of time
4 after which the subjects who installed the device will return to the
5 ATM and remove it. Once the device is removed, the customer credit
6 card numbers and PIN numbers are retrieved from the device. The card
7 numbers are then loaded on to blank cards so the perpetrators can
8 travel to ATMs and fraudulently withdraw funds from victim customer
9 accounts.

10 16. In addition to ATM skimmers, there are also devices known
11 as Point-of-Sale skimmers. These devices are built to mimic the
12 Point-of-Sale terminals at commercial businesses such as pharmacies,
13 grocery stores, gas stations, and department stores. Because of the
14 near identical design, these devices are installed by simply snapping
15 them on top of legitimate Point-of-Sale terminals in order to steal
16 customer data when they complete their purchases at the above listed
17 establishments. The data from these Point-of-Sale skimmers can be
18 retrieved by recovering the device and downloading the data, or by
19 downloading via Bluetooth when in close proximity to the device.

20 17. Based on my training and experience, I believe that members
21 of the conspiracy I am investigating used the skimming techniques
22 described above to capture the EBT card data of unsuspecting
23 consumers.

24 18. In my training and experience, the issuers of debit and
25 credit cards, including EBT cards, are federally insured. Further,
26 all the financial institutions mentioned in this affidavit are
27 federally insured.

D. GRAUR Overt Acts of Fraud 2021-2023

19. GRAUR committed several ATM skimming acts between 2021 and 2023 in and around the Central District of California. This activity included installing and removing ATM and Point-of-Sale skimming devices, as well as unauthorized cash withdrawals from victim customer accounts. I have reviewed surveillance video and/or images of all the below listed unauthorized cash withdrawals, skimming device installations, and identity cards mentioned in the below overt acts and law enforcement encounters. In each instance, I was able to positively identify GRAUR as the individual present for each incident. I have reviewed several photos of GRAUR provided by Romanian Law Enforcement, as well as those posted on GRAUR's public social media. Based on a comparison of those photos with photos from the incidents below, I was able to confirm GRAUR's identity in each instance. In addition to the identification made by recognizing his face, I was able to identify GRAUR on numerous occasions based on items of clothing and accessories worn on multiple occasions or exchanged between others during different acts of fraud. This includes, but is not limited to, a blue jacket with a white logo of a polo player on a horse, a black hat with "DSQUARED2" written in white letters, a brown wallet with green/red stripes, and a white t-shirt with "DG" written in black letters.

E. GRAUR Installed Skimmers and Used Other Persons' Accounts to Withdraw Cash from ATMS in December 2021

20. In late 2021, the San Bernardino Sheriff's Department (SBSD) identified an uptick in ATM skimming victimizing California EBT card holders within San Bernardino County, California. As a result of multiple victim complaints, detectives from the SBSD

1 identified ATMs in Los Angeles, California where many of the
2 unauthorized cash withdrawals were taking place.

3 21. According to Detective Stuart Cullum, on or about December
4 1, 2021, physical surveillance was conducted at Bank of America, 7800
5 Sunset Boulevard, Los Angeles, CA. During this surveillance, two
6 individuals (one later identified as GRAUR) approached the ATM
7 terminals just after midnight and conducted consecutive cash
8 withdrawals. These withdrawals were later confirmed to be
9 unauthorized cash withdrawals from victim customer accounts. GRAUR
10 and the other individual arrived and departed in a black BMW SUV. I
11 reviewed the Bank of America ATM surveillance footage from this
12 incident and confirmed that GRAUR was one of the individuals
13 withdrawing cash from the ATM. According to DSS, approximately 10
14 accounts were compromised by GRAUR and his partner during this
15 surveillance operation and \$6,000 were stolen from these accounts.

16 GRAUR Uses False Identity Document When Stopped By Police

17 22. On December 9, 2021, GRAUR was located driving the same BMW
18 in Lancaster, California and a traffic stop was initiated. During
19 this traffic stop, GRAUR provided an Italian identity card bearing
20 the name "Luigi Pasquale" to the investigating officer. A photo of
21 this identity card was provided to Romanian Law Enforcement, and they
22 confirmed that the driver in this traffic stop was in fact GRAUR.

23 a. GRAUR previously used this "Luigi Pasquale" alias in
24 October 2021 during a traffic stop in Jersey City, New Jersey. In
25 February 2023, FBI SA Miranda Der provided me with a copy of the
26 identity cards that GRAUR provided to the Jersey City Police during
27 this traffic stop. I reviewed a photo of an Italian and European
28

1 Union identity card bearing the name "Luigi Pasquale". Based on my
2 review of many photos of GRAUR provided by Romanian Law Enforcement
3 and his own social media, I was able to confirm that person using the
4 "Luigi Pasquale" identity card is GRAUR.

5 23. On or about December 9, 2021, GRAUR traveled to the Walmart
6 Supercenter located at 13401 Main St, Hesperia, CA. Surveillance
7 video from inside Walmart, which I reviewed, showed GRAUR approach a
8 check out terminal and install a Point-of-Sale skimmer. Less than a
9 week later, on or about December 15, 2021, Walmart surveillance video
10 captured GRAUR return to the same checkout terminal and use his phone
11 near the Point-of-Sale terminal. On December 16, 2021, Detectives
12 from the San Bernardino Sheriff's Department removed the Point-of-
13 Sale skimmer. Later analysis determined that this skimmer contained a
14 Bluetooth transmitter.

15 24. Based on my review of the surveillance footage compared to
16 photos of GRAUR provided by Romanian Law Enforcement, I confirmed
17 that GRAUR was the individual who installed the skimming device, and
18 returned to the same terminal nearly a week later. Based on my
19 training and experience conducting ATM skimming investigations, I
20 know that some ATM skimmers, like the one recovered in this instance,
21 can transmit data via Bluetooth. This allows skimming devices to
22 remain installed at ATMs and/or Point-of-Sale terminals longer than
23 skimmers that have to constantly be removed to retrieve data.

24 **F. GRAUR Continues Skimming Activity into 2022**

25 25. Detective Cullum provided me with surveillance images/video
26 of several of unauthorized ATM cash withdrawals involving GRAUR
27 between December 2021 and August 2022. I reviewed these images/video
28

and confirmed GRAUR participated in all of these unauthorized cash withdrawals from victim customer accounts at ATMs. An analysis of the financial records associated with these acts confirmed that GRAUR compromised at least 448 debit cards on 12 separate days between December 2021 and August 2022, resulting in over \$165,000 in actual losses during 15 separate trips to ATMs. The incidents are detailed in the below table:

Date	Institution	Location	# of Victims	Loss Amount
12/1/2021	Bank of America	7800 Sunset Boulevard, Los Angeles, CA	10	\$6,000
1/2/2022	Bank of America	7900 Melrose Avenue, Los Angeles, CA	15	\$7,500
1/2/2022	Union Bank	8631 Santa Monica Boulevard, West Hollywood, CA	6	\$392
1/3/2022	Bank of America	2907 Crenshaw Boulevard, Los Angeles, CA	30	\$12,180
1/31/2022	Union Bank	13300 Newport Avenue, Tustin, CA	5	\$2,995
2/3/2022	Bank of America	8921 Santa Monica Boulevard, West Hollywood, CA	69	\$41,220
4/1/2022	Wells Fargo	2001 South Main Street, Santa Ana, CA	14	\$5,860
4/1/2022	Bank of America	101 West 4th Street, Santa Ana, CA	10	\$6,640
5/1/2022	CitiBank	234 East 17th Street, Costa Mesa, CA	27	\$9,260
5/2/2022	CitiBank	234 East 17th Street, Costa Mesa, CA	31	\$8,420
7/1/2022	Wells Fargo	7326 Santa Monica Boulevard, West Hollywood, CA	5	\$1,690
7/1/2022	Bank of America	8921 Santa Monica Boulevard, West Hollywood, CA	9	\$2,060
7/2/2022	Wells Fargo	7326 Santa Monica Boulevard, West Hollywood, CA	82	\$20,680
8/2/2022	Bank of America	8921 Santa Monica Boulevard, West Hollywood, CA	77	\$16,060
8/3/2022	Bank of America	8921 Santa Monica Boulevard, West Hollywood, CA	58	\$24,740

26. In addition to the unauthorized cash withdrawals, I reviewed images/video of GRAUR participating in the installation and/or removal of Point-of-Sale skimming devices in the state of California on seven separate occasions between December 2021 and September 2022. Based on these images/video, I was able to identify the following Point-of-Sale skimmer installations involving GRAUR:

Date	Institution	Location	Install/Remove
12/9/2021	Walmart	13401 Main Street, Hesperia, CA	Install

2/7/2022	Walmart	859 W Florida Avenue, Hemet, CA	Removal
6/7/2022	7 Eleven	820 Wilson Avenue, Bakersfield, CA	Install
6/9/2022	7 Eleven	1629 East Ashlan Drive, Fresno, CA	Install
6/9/2022	7 Eleven	1170 Clovis Avenue, Clovis, CA	Install
6/22/2022	Walmart	13401 Main Street, Hesperia, CA	Install
9/14/2022	Walmart	82-491 Avenue 42, Indio, CA	Install

G. GRAUR's Fingerprints Were Recovered from a Skimming Device

27. As noted above, on June 7, 2022, GRAUR installed a Point-of-Sale skimming device at a 7 Eleven store located at 820 Wilson Avenue, Bakersfield, CA. SBSB Detective Cullum recovered this skimming device and submitted it to the United States Secret Service Laboratory for forensic processing. Fingerprints were recovered from the device, and they were sent to Romania for identification. Romanian Law Enforcement confirmed that the fingerprints lifted from this skimming device were a match for GRAUR.

H. GRAUR Installs Skimmers and Uses Other Persons' Accounts to Withdraw Cash from ATMs in 2023

28. SBSB Detective Candelario Sahagun provided me with surveillance photos of GRAUR conducting cash withdrawals from an ATM at a 7 Eleven store located at 1161 West Lugonia Avenue, Redlands, CA on March 2, 2023. According to DSS, the transactions that GRAUR completed during this timeframe corresponded directly with unauthorized cash withdrawals from 23 EBT cards at this ATM. According to the loss data, which I reviewed and confirmed, approximately \$7,200 in actual losses took place from the use of 23 EBT cards.

29. I reviewed the photos of GRAUR provided by Detective Sahagun and compared them to photos of GRAUR provided to me by Romanian Law Enforcement. Based on this comparison, I confirmed that

GRAUR was the subject conducting unauthorized cash withdrawals at the listed 7 Eleven store on March 2, 2023.

30. In May 2023, several Stater Bros Markets discovered that Point-of-Sale Skimmers had been installed at check-out terminals in stores located in Los Angeles County, Riverside County, and San Bernardino County. Investigator Joseph Rivera of Stater Bros Markets provided me with images/video of individuals tampering with check out terminals, as well as installing Point-of-Sale skimmers at checkout terminals in May 2023. Based on my training and experience, fraudsters will often tamper with Point-of-Sale terminals prior to installing skimming devices to ensure their skimming devices will fit properly at the terminal.

31. I reviewed these images/video, and I was able to identify GRAUR tampering with checkout terminals and installing Point-of-Sale skimmers at the below stores in the cities of Long Beach, Colton, and Rubidoux in California:

Date	Institution	Location	Actions
5/6/2023	Stater Bros. Market	5571 Mission Blvd Rubidoux, CA	Tamper with POS terminal, removed lock
5/7/2023	Stater Bros. Market	5571 Mission Blvd Rubidoux, CA	Install POS Skimmer
5/11/2023	Stater Bros. Market	151 E Valley Blvd Colton, CA	Install POS Skimmer
5/11/2023	Stater Bros. Market	6501 E Spring St Long Beach, CA	Remove POS Skimmer
5/12/2023	Stater Bros. Market	6501 E Spring St Long Beach, CA	Tamper with POS terminal, confronted by employees

I. GRAUR's Criminal History and Additional Alias

32. On June 1, 2023, GRAUR was arrested by the San Bernardino County Department of Human Services Investigator Edwards while conducting unauthorized cash withdrawals in Rialto, CA. When arrested, GRAUR presented investigating officers with a Slovakian identity card bearing his face with the name "Simon Fedak". I

1 reviewed booking photos of "Simon Fedak", as well as the Slovakian
2 identity card bearing his name. Based on my review of many photos of
3 GRAUR provided by Romanian Law Enforcement and found on GRAUR's own
4 social media, I was able to confirm that the person who presented
5 the "Simon Fedak" identity card during the June 1, 2023 arrest was
6 GRAUR.

7 33. GRAUR, using his "Simon Fedak" alias, pleaded no contest
8 and was convicted of Grand Theft for Property over \$950 (PC 487(A))
9 to this charge and was sentenced to time served (7 days) and two
10 years of felony probation in the state of California.

11 34. Shortly after this conviction, in February 2024, the IP
12 logins to the Facebook page of GRAUR's known girlfriend showed her
13 location change from California to New York, NY. In April 2024, she
14 posted photos of herself and GRAUR walking around New York City.
15 Based on my training and experience, it is common for Romanian ATM
16 skimmers like GRAUR to flee an area where they were arrested and/or
17 convicted of ATM skimming. This is especially common when their
18 arrest/conviction occurred in an alias identity that can easily be
19 disposed of to remain anonymous in a new location while continuing
20 their fraud.

21 35. On June 12, 2024, Investigator Edwards informed me that
22 GRAUR never reported to probation as he agreed to in his plea
23 agreement. GRAUR's probation was revoked and a warrant for his
24 arrest was issued on May 23, 2024 by California Superior Court Judge
25 Ronald M. Christianson.

26 36. According to Romanian Law Enforcement, GRAUR has an
27 extensive criminal record in Romania. In 1997, GRAUR was sentenced to
28

1 74 months in prison for robbery in Galati, Romania. In 2011, GRAUR
2 was sentenced to 18 months in prison for credit card fraud in Brasov,
3 Romania. In 2017, GRAUR was sentenced to 36 months in prison for
4 manslaughter.

5
6 **J. GRAUR Is in the U.S. Illegally, Where His ATM Skimming
Continues**

7
8 37. I checked immigration records for GRAUR and discovered he
9 was admitted to the United States on a tourist visa in October 2020.
10 This visa expired in April 2021, a few months before GRAUR's first
11 overt act of skimming activity was detected. GRAUR overstayed his
12 visa and is currently residing in the United States illegally.

13 38. In my training and experience, it is common for members of
14 Romanian Organized Crime Groups (OCG) to fail to show up for their
15 criminal trials if granted bond. For example, two members of such a
16 group I was investigating in Ventura County in 2023 were initially
17 detained for ATM skimming, but were released on bond the next month
18 with the condition that they wear ankle monitors to permit the court
19 to track them. Both of them cut off their ankle monitors and fled.
20 I later received ATM surveillance photographs showing that at least
21 one of them merely relocated and returned to ATM skimming in the San
22 Diego area.

23 39. Similarly, the last such member I arrested had previously
24 been released on bond in Tennessee, where he had been charged under
25 an assumed name for which he had a false identification. When I
26 arrested him in Los Angeles, he was still wearing the ankle monitor
27 from Tennessee, but was nonetheless operating a new ATM skimming
28 laboratory in the house he had rented. An analysis of his digital

1 devices resulted in the discovery of a WhatsApp conversation with
2 GRAUR. I knew it was GRAUR's WhatsApp account because GRAUR sent
3 multiple photos of himself in the conversation. During this
4 conversation, they exchanged videos of skimming devices and stolen
5 EBT card numbers as recently as April 2024.

6
7 **K. Profitability of ATM Skimming Scheme**

8 40. Images from various social media posts show GRAUR spending
9 money stolen from EBT customers on expensive dinners, partying in
10 nightclubs, and driving expensive vehicles. In one instance Florenta
11 Raicu, GRAUR's girlfriend who has posted numerous photos and videos
12 of them together on social media, posted a video driving in BMW XM.
13 Based on research I conducted, the 2024 model of this vehicle starts
14 at \$159,000.

15 41. Based on my training and experience investigating organized
16 crime, the exploits of GRAUR are consistent with the way
17 sophisticated criminals will flaunt their illegally obtained wealth,
18 which in this case was obtained from the most financially vulnerable
19 in society.

20 ///

V. **CONCLUSION**

42. Based upon the foregoing facts, there is probable cause to believe that GRAUR violated Title 18, United States Code, Sections 1344, 1349, and 1028A.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 12th day of June, 2024.


UNITED STATES MAGISTRATE JUDGE